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13 **UNITED STATES DISTRICT COURT**  
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 IN RE: DMCA SECTION 512(h)  
16 SUBPOENA TO DOMAINS BY PROXY,  
17 LLC

Misc. Action No.

**DECLARATION OF SCOTT SERIO  
IN SUPPORT OF PETITIONER  
SCOTT SERIO'S REQUEST FOR  
ISSUANCE OF SUBPOENA,  
PURSUANT TO 17 U.S.C. § 512(h), TO  
IDENTIFY ALLEGED INFRINGERS**

**DECLARATION OF SCOTT SERIO**

I, Scott Serio, declare and state as follows:

1. I am a professional photographer and, among things, I am the author of the photograph of Triple Crown-winning horse American Pharoah timely registered with the United States Copyright Office, Application #1-2517833131, and reproduced herein (the “Photo”):



2. I submit this declaration in support of my request for issuance to Domains By Proxy, LLC of a subpoena, pursuant to the Digital Millennium Copyright Act (“DMCA”), 17 U.S.C. § 512(h) (the “DMCA Subpoena”), to identify an alleged infringer or infringers who posted images which infringe the copyright to my Photo (the “Infringing Content”) on a domain name, espn2news.com, which is registered and masked through Domains By Proxy, LLC.

3. I have personal knowledge of the facts contained in this Declaration and, if called to testify, could and would testify competently thereto.

4. On or about August 24, 2015, Joe G. Naylor, the President of ImageRights International issued, on my behalf, a take-down notification pursuant to Section 512 of Title 17 of the U.S. Code (as enacted by the “Online Copyright Infringement Liability Limitation Act” as part of the DMCA”) to Domains By Proxy, LLC. Attached hereto as Exhibit 1 to this Declaration is a copy of said take-down notification. Mr. Naylor was authorized to act on my behalf in submitting this notification.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 24th day of September, 2015, at Colora, Maryland.

Scott Senior

Scott Serio